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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,492	10/11/2001	Eugene Wolbers	10906-007	9686

7590

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EXAMINER
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WILLIAMS, ERIC M

ART UNIT	PAPER NUMBER
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3681

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/975,492

Applicant(s)

WOLBERS ET AL.

Examiner

Eric M Williams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 16, 17, 39 and 42-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 16, 17, 39, 42 and 44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is in response to the papers filed 03/04/2004 for serial number 09/975,492.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Brandenstein '361.

Brandenstein (Fig. 1) discloses a clutch release bearing assembly comprising a bearing carrier, a bearing assembly (shown Fig. 1) including a stationary race (1), a rotatable race (2), an aligning ring (15) with a front face normal to the axis and having a convex spherical face, said rotatable race having a concave spherical face (race 2 has a concave spherical face as shown in Fig. 1), the rotatable race including an oil groove extending radially about the concave spherical surface (the area in which 18 lies and the space nearby constitutes an oil groove and does extend *about* the concave spherical face), and the clutch release bearing assembly having a plurality of anti-friction elements (4).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 39 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandenstein '361 in view of Ernst et al. '215.

Brandenstein (Fig. 1) discloses a clutch release bearing assembly comprising a bearing carrier and a bearing assembly (shown in Fig. 1) including a stationary race (1), a rotatable race (2), an aligning ring (15) with a front face normal to the axis and having a convex spherical face, said rotatable race having a concave spherical face (race 2 has a concave spherical face), the rotatable race including an oil groove (the groove in which 18 lies in is an oil groove and does extend *about* the concave spherical face).

Brandenstein lacks the specific teaching of clearance fit. Ernst discloses a clearance fit Fig. 1(labeled *s*) between the bearing assembly and the bearing carrier to allow for limited radial movement of the bearing assembly. It would have been obvious to one of ordinary skill in the art at the time of this invention to modify the bearing assembly of Brandenstein such that there is a clearance fit, in view of Ernst, to provide for limited radial movement of the bearing assembly.

6. Claims 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandenstein '361 in view of Ernst et al. '215, in further view of Lassiaz '049.

Brandenstein in view of Ernst disclose all the limitations of claims 43 and 44, but lack the specific disclosure of snap ring, spring washer to hold the components in axial position. Lassiaz discloses a snap ring, spring washer used to hold axial positioning of the assembly. It would have been obvious to one of ordinary skill in the art at the time of this invention to modify Brandenstein in view of Ernst, such that it has a snap ring, spring washer, in further view of Lassiaz, for the purpose of holding the components in axial position.

7. Claims 1, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandenstein in view of '361 in view of Becker '324.

Brandenstein (Fig. 1) discloses a clutch release bearing assembly comprising a bearing carrier and a bearing assembly (Fig. 1) including a stationary race (1), a rotatable race (2), an aligning ring (15) with a front face normal to the axis and having a convex spherical face, said rotatable race having a concave spherical face (race 2 has a concave spherical face), the rotatable race including an oil groove extending radially about the concave spherical surface (the groove in which 18 lies in is an oil groove), and the clutch release bearing assembly having a plurality of anti-friction elements (4).

Even if one interprets the recitation of "about" to mean the oil groove is extending physically into the spherical face of the rotatable race, Becker discloses a self-aligning bearing with an oil groove Fig. 1 (groove in which seal 21 lies in) extending into a spherical concave face of the bearing with an o-ring for reducing friction. Therefore, it would have been obvious to one of ordinary skill in the art at the time of this invention to modify the bearing assembly of Brandenstein such that it has an oil groove extending

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into the face of the rotatable race with an o-ring, in view of Becker, for the purpose of reducing friction.

8. Claims 39 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandenstein '361 in view of Becker '324, in further view of Ernst et al. '215.

Brandenstein disclose all the limitations of claims 39 and 42, but lacks the teaching of a clearance fit. Ernst discloses a clearance fit Fig. 1(labeled s) between the bearing assembly and the bearing carrier to allow for limited radial movement of the bearing assembly. It would have been obvious to one of ordinary skill in the art at the time of this invention to modify the bearing assembly of Brandenstein in view of Becker, such that there is a clearance fit, in view of Ernst, to provide for limited radial movement of the bearing assembly.

9. Claims 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandenstein '361 in view of Beker '324 and Ernst et al. '215, in further view of Lassiaz '049.

Brandenstein in view of Ernst and Becker disclose all the limitations of claims 43 and 44, but lack the specific disclosure of snap ring, spring washer to hold the components in axial position. Lassiaz discloses a snap ring, spring washer used to hold axial positioning of the assembly. It would have been obvious to one of ordinary skill in the art at the time of this invention to modify Brandenstein in view of Ernst, such that it has a snap ring, spring washer, in further view of Lassiaz, for the purpose of holding the components in axial position.

***Response to Arguments***

10. Applicant's arguments with respect to the newly recited elements presented in the independent claims regarding the concave and convex have been considered but are moot in view of the new ground(s) of rejection (applying the Brandenstein reference '361).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, the Examiner maintains the position that the Becker reference '324 teaches an oil groove in a bearing assembly with spherical faces analogous to Applicant's bearing assembly and the oil groove inherently functions to retain a lubricant and/or a retaining ring. The Becker reference therefore does provide a suggestion to combine its teaching and the obviousness rejection is therefore proper.

***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M Williams whose telephone number is 703-305-0607. The examiner can normally be reached on Mon. - Fri. from 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A Marmor can be reached on 703-308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



EMW

*Charles A Marmor 5/28/04*  
CHARLES A. MARMOR  
SUPERVISORY PATENT EXAMINER  
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